



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 13 1989

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Contractor Signing of Uniform Hazardous Waste
Manifests for Materials Leaving a Superfund Site

FROM: Russel H. Wyer, Director /s/
Hazardous Site Control Division (for)

Sallyanne Harper, Associate Director /s/
Superfund/RCRA Procurement Operations
Procurement and Contracts Management Division

TO: ARCS Project Officers
REM Project Officers
ARCS Contracting Officers
REM Contracting Officers

The purpose of this memo is to provide guidance for authorizing EPA's remedial contractors to sign, on EPA's behalf, the uniform hazardous waste manifests without becoming a generator.

On February 6, 1989, HSCD issued guidance (attached) indicating that EPA remedial contractors could sign hazardous waste manifests for off-site transport of hazardous wastes from Superfund sites. Some of the contractors have expressed concern about this guidance. To clarify the authority under which the contractors will act, and to more efficiently provide this authority to our contractors (as required on page 2, last paragraph, of the February 6 guidance) we request that all ARCS and REM contracts be amended to directly address the manifest issue. Since signature of land ban notifications, certifications, and demonstrations presents the same issue of generator liability, we have included land ban records in the proposed contract modification language. Under the contract modification, contractors would routinely sign manifests and land ban records. However, if State regulations would not permit the contractor to sign such documents on behalf of EPA, the Project Officer would direct the contractor not to sign for the Agency and would arrange for appropriate Agency personnel to be on-site.

The following language was developed with assistance from EPA's Office of General Counsel and should be used in the proposed contract modification:

Signing of Uniform Hazardous Waste Manifests and Land Ban Notifications/Certifications

Unless otherwise directed in writing by the EPA Project Officer, the contractor is authorized to sign uniform hazardous waste manifest forms (40 CFR Part 262) ("manifests") and land ban notifications/certifications/demonstrations (40 CFR Part 268.7 and .8) ("land ban records") for EPA at Superfund sites which involve off-site transport of hazardous wastes. The contractor shall sign the manifests and land ban records after writing or printing in the phrase "On behalf of the United States Environmental Protection Agency" in the signature block. The contractor shall not be considered a generator of hazardous wastes solely as a result of having signed the manifests or land ban records on behalf of the EPA. Nothing contained in this paragraph shall be construed to create an agency relationship between the contractor and EPA except with respect to the authorization to sign the manifests and land ban records. This authorization only extends to sites assigned under this contract.

This clause was added to the REM III contract through a no cost, Supplemental Agreement. We recommend that this approach be used to add the clause to the rest of the REM and ARCS contracts. We strongly recommend that changes not be made to the specific language contained in the clause. Any proposed changes to the clause must be coordinated through Ed Hanlon, Project Officer, Remedial Action and Contracts Section and Mary Stotler, Contracting Officer, Remedial Action Management Section.

Because this issue has the potential to impact a number of sites we would like you to modify all the REM and ARCS contracts by August 15, 1989, or as soon as possible thereafter.

Please contact Ed Hanlon at FTS 475-9753, or Mary Stotler at FTS 382-2311, if there are further questions regarding this issue.

cc: Superfund Branch Chiefs
Regions I-X

Attachment